

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Criminal Case No. 00-539-05-KI
)	
vs.)	OPINION AND ORDER
)	
RONALD WILLIAM STACEY,)	
)	
Defendant.)	

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KING, Judge:

This matter comes before the Court on remand from the Ninth Circuit Court of Appeals for a determination under United States v. Ameline, 409 F.3d 1073, 1084 (9th Cir. 2005) (en banc), as to whether the sentence imposed would have been materially different had the Court known the Sentencing Guidelines were advisory.

The Court has reconsidered all of the record as originally submitted prior to sentencing. In light of the advisory Sentencing Guidelines and the factors set forth in 18 U.S.C. § 3553(a), the Court concludes that the sentence of 14 months imprisonment on Count One, to be served concurrently with the sentence of 14 months imprisonment on Count Eight, originally imposed is “sufficient, but not greater than necessary.” The Court also finds it would not have exercised discretion to impose a materially different sentence if it had been free to do so when defendant was first sentenced. The Court, therefore, finds it is not necessary to conduct any further sentencing proceedings or to amend the original Judgment of Conviction in any manner.

In addition, the Court notes that it granted defendant's motion for release pending appeal on January 30, 2003 (#595). Now that his appeal has concluded adversely, the defendant is directed to report to the United States Marshal for this district within thirty (30) days of this order by 2 pm.

IT IS SO ORDERED.

Dated this 27th day of February, 2006.

/s/ Garr M. King
Garr M. King
United States District Judge